<u>REMARKS</u>

This application has been carefully reviewed in light of the Office Action dated December 2, 2005. Claims 37 to 39 remain in the application and are the independent claims herein. Reconsideration and further examination are respectfully requested.

Claims 37 to 39 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,405,214 (Meade) in view of U.S. Patent No. 6,233,408 (Allen) and U.S. Patent No. 6,332,126 (Peirce). Reconsideration and withdrawal of this rejection are respectfully requested.

The present invention generally concerns the purchase of consumable units. According to the invention, a server accepts login information from a data processing apparatus. The login information corresponds to consumable purchase results and consumable use rates which are stored in a memory of the server. Additionally, a table in the memory includes consumable purchase results in correspondence to services and a number of consumables to be purchased in correspondence to the services. Among its various features, the present invention includes the features of (i) receiving a number of consumables to be purchased from the data processing apparatus that can be designated or changed in the data processing apparatus, (ii) estimating, based on (a) a consumable use rate for a consumable in correspondence to received login information and (b) a predetermined term designated by a data processing apparatus, a demand of the consumable within the predetermined term, (iii) transmitting information on the estimated demand of the consumable within the predetermined term to a data processing apparatus, and (iv) a service read unit, adapted to refer to a table to read (a) services corresponding to the number of consumables to be purchased received from a data processing apparatus and (b) services corresponding to a consumable purchase result corresponding to login information.

- 6 -

Referring specifically to claim language, independent Claim 37 as amended is directed to a server that accepts login information provided by a data processing apparatus through a communication channel. The server includes a memory unit, adapted to store consumable purchase results in correspondence to login information, consumable use rates in correspondence to the login information, and a table that includes consumable purchase results in correspondence to services and a number of consumables to be purchased in correspondence to the services. The server also includes a read unit, adapted to receive the login information from the data processing apparatus and to read the consumable purchase results corresponding to the received login information from the memory unit. Additionally, the server includes a demand estimation unit, adapted to estimate, based on (a) the consumable use rate for a consumable used in a printer stored in the memory unit in correspondence to the received login information, and (b) a predetermined term designated by the data processing apparatus through the communication channel, a demand of the consumable within the predetermined term. The server further includes a reception unit, adapted to receive, from the data processing apparatus through the communication channel, a number of consumables to be purchased that can be designated or changed in the data processing apparatus. Additionally, the server includes a service read unit, adapted to refer to the table stored in the memory unit to read (a) the services corresponding to the number of consumables received by the reception unit, and (b) the services corresponding to the consumable purchase result read by the read unit. The server also includes a transmission unit, adapted to transmit information on the demand of the consumable within the predetermined term estimated by the demand estimation unit and the services read by the service read unit to the data processing apparatus through the communication channel such that the information may be displayed in the data processing apparatus. The server additionally includes an order reception unit,

adapted to receive from the data processing apparatus an order based on the at least one service transmitted by the transmission unit.

Claims 38 and 39 are directed to a method and a memory medium, respectively, substantially in accordance with the server of Claim 37.

The applied art is not seen to disclose or to suggest the features of the present invention, and in particular is not seen to disclose or to suggest at least the features of (i) receiving a number of consumables to be purchased from the data processing apparatus that can be designated or changed in the data processing apparatus, (ii) estimating, based on (a) a consumable use rate for a consumable in correspondence to received login information and (b) a predetermined term designated by a data processing apparatus, a demand of the consumable within the predetermined term, (iii) transmitting information on the estimated demand of the consumable within the predetermined term to a data processing apparatus, and (iv) a service read unit, adapted to refer to a table to read (a) services corresponding to a number of consumables to be purchased received from a data processing apparatus and (b) services corresponding to a consumable purchase result corresponding to login information.

At page 2 of the Office Action, it is asserted that Meade (Column 5, lines 7 to 11) discloses "a reception step", which is alleged as corresponding to receiving a number of consumables to be purchased from a data processing apparatus that can be designated or changed in the data processing apparatus. However, Applicants disagree.

As understood by Applicants, Meade discloses a method of gathering usage information from a user's computer and storage device and writing the usage information to a transmittable file. The transmittable file is transmitted to a third party server. (See Meade, Abstract). This is not seen to correspond to receiving a number of consumables to be purchased from a data processing apparatus that can be designated or changed in the data processing apparatus.

- 8 -

In particular, the portions of Meade cited by the Office Action are simply seen to disclose gathering information from a user computer, which may, for example, be printer usage data compiled from printer drivers of the user computer. (See Meade, Column 5, lines 7 to 11). The foregoing is clearly different from receiving a number of items to be purchased and therefore, is simply different from receiving a number of consumables to be purchased from a data processing apparatus that can be designated or changed in the data processing apparatus.

As for the feature of estimating, based on (a) a consumable use rate for a consumable in correspondence to received login information and (b) a predetermined term designated by a data processing apparatus, a demand of the consumable within the predetermined term, the Office Action concedes that Meade does not show a demand estimation step, but asserts that Allen (Column 2, lines 1 to 4) discloses sensing when a particular consumable is exhausted or near exhaustion, which the Office Action alleges reads on a demand estimation step.

As understood by Applicants, Allen discloses a method for sensing when the replaceable consumable in an image forming device reaches a predetermined condition, and initiating an offer to the user of the device when the predetermined condition is reached. (See Allen, Abstract.) This process in Allen is simply different from the demand estimation of the present invention. Specifically, sensing whether a particular consumable is exhausted or nearing exhaustion, as recited in Allen, is not seen to be the same as estimating, based in part on the consumable use rate for a consumable, a demand of the consumable within a predetermined term, as recited in the present invention. For example, the system of Allen might be able to inform a user that a particular toner cartridge needs to be replaced, but Allen cannot estimate how many cartridges may be needed in the next 6 months, which corresponds to the claimed demand estimation. Accordingly, Allen is not seen to disclose or to suggest estimating, based on (a) the consumable use rate for a

consumable in correspondence to received login information and (b) a predetermined term designated by a data processing apparatus, a demand of the consumable within the predetermined term. Thus, any permissible combination of Meade and Allen would not have resulted in the present invention.

Moreover, since Allen is not seen to disclose or suggest estimating the demand of the consumable within the predetermined term, Allen also is not seen to disclose or to suggest the additional feature of transmitting information on the estimated demand of a consumable within the predetermined term to a data processing apparatus.

Furthermore, the applied art is not seen to disclose or to suggest a service read unit, adapted to refer to a table to read (a) services corresponding to a number of consumables to be purchased received from a data processing apparatus and (b) the services corresponding to a consumable purchase result corresponding to login information.

In this regard, page 2 of the Office Action concedes that Meade "does not teach that the service (discount) corresponds to the consumable purchase result (consumable purchase history) and that the table includes consumer", but asserts that Meade (Column 5, lines 16 to 18) discloses presenting discounts based on a user's actual printing profile, which the Office Action alleges to read on reading services corresponding to the number of consumables read in a reception step. In addition, Pages 2 and 3 of the Office Action assert that Peirce (Column 2, lines 19 to 21 and 34 to 39 and Column 1, lines 38 to 39) discloses discounts corresponding to a consumable purchase result (consumable purchase history) and a memory unit for storing consumable purchase results/consumable unit history in correspondence to login information.

As discussed above, Meade is not seen to disclose or suggest receiving a number of consumables to be purchased at all. As such, it is not seen how Meade could possibly disclose reading services corresponding to a number of consumables to be

- 10 -

purchased. Moreover, it is not seen how presenting discounts based on a user's printing profile, as recited in Meade, reads on the feature of reading services from a table corresponding to a number of consumables to be purchased received from a data processing apparatus, as recited in the present invention.

Peirce is not seen to remedy the deficiencies of Meade. As understood by Applicants, Peirce discloses a method for operating a computer based targeted payment system discount program. Consumer information from consumer payment system institutions is used to match qualified customers to targeted merchant discount offers. Offers are automatically prioritized based on their expected value to consumers and consumers receive the highest priority offers for which they qualify. (See Peirce, Abstract.) However, the portions of Peirce cited by the Office Action are simply seen to disclose providing targeted discounts to customers based on purchase behavior and geographic location, and an automated process which matches targeted merchant offers against a database of consumers and historical purchase behavior. (See Peirce, Column 1, lines 38 to 39 and Column 2, lines 19 to 21 and 34 to 39). In Peirce's system, merchants create offers *before* any customer purchases occur, in order to target certain consumers, and then the offers are sent to those customers who match those criteria. (See Peirce, Column 2, line 47 to Column 3, line 15). Thus, Peirce is not seen to indicate that services are read which correspond to items *to be* purchased, much less services corresponding to a number of consumables to be purchased, the number being received from a data processing apparatus.

Accordingly, the applied art is not seen to disclose or to suggest a service read unit, adapted to refer to a table to read (a) the services corresponding to the number of consumables to be purchased received from a data processing apparatus and (b) the services corresponding to the consumable purchase result corresponding to login information.
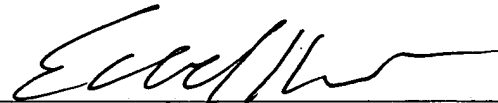
Thus, any permissible combination of Meade, Allen and/or Pierce, is not seen to disclose or to suggest at least the features of (i) receiving a number of consumables to be purchased from the data processing apparatus that can be designated or changed in the data processing apparatus, (ii) estimating, based on (a) the consumable use rate for a consumable in correspondence to received login information and (b) a predetermined term designated by a data processing apparatus, a demand of a consumable within the predetermined term, (iii) transmitting information on the estimated demand of the consumable within the predetermined term to a data processing apparatus, and (iv) a service read unit, adapted to refer to a table to read (a) services corresponding to the number of consumables to be purchased received from a data processing apparatus and (b) the services corresponding to a consumable purchase result corresponding to login information.

Accordingly, Claims 37, 38 and 39 are believed to be in condition for allowance.

No other matters being raised, the entire application is believed to be in condition for allowance and such action is requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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